

REMARKS

Claims 1-48 were pending and remain unchanged.

I. Rejection of Claims 1-14 and 16-47 Under 35 U.S.C. § 102(e)

Claims 1-14 and 16-47 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,223,294 to Desenne et al. (“the ‘294 patent”). Applicants respectfully traverse.

In response to these claim rejections, Applicants herewith submit a Declaration of Linda Foltis under 37 C.F.R. § 1.131. As stated previously, Applicants believe that the ‘294 patent is not a valid reference under 35 U.S.C. § 102(e), as Applicants were in possession of the present invention before the earliest effective filing date of the ‘294 patent (that is, before December 21, 2001). For at least this reason, Applicants respectfully submit that the rejection of these claims under 35 U.S.C. § 102(e) has been overcome and should be withdrawn.

II. Rejection of Claims 1-48 Under 35 U.S.C. § 103(a)

Claims 1-48 have been rejected under 35 U.S.C. § 103(a) as purportedly being obvious in view of the combination of the ‘294 patent, along with U.S. Patent No. 6,540,791 (“the ‘791 patent”), and WO 01/41722 whose English equivalent is U.S. Patent No. 6,984,250 (“the ‘250 patent”). Applicants respectfully traverse this rejection

First, as stated above, Applicants respectfully submit that the ‘294 patent is not a valid reference over the pending claims. For at least this reason, the rejection cannot stand, as the claims are patentable over the ‘791 patent and the ‘250 patent, both alone or in combination. For

at least these reasons, Applicants respectfully submit that this rejection has been overcome and should be withdrawn.

In light of the above remarks, it is believed that the claims are in condition for allowance, early notice of which is earnestly solicited. Should any outstanding issues remain, the Examiner is invited to contact Applicants' attorneys at the telephone number listed below.

No fees, other than the fees for extension of time and RCE transmittal, are believed to be due for the filing of this Response. However, the Director is hereby authorized to charge any and all fees due, or credit any overpayment, to Deposit Account No. 03-1250.

Respectfully submitted,

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Enclosures